

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 58, 61, and 64 have been amended. Claims 18-34, 39-45, and 48-57 were previously canceled. Support for the claim amendments can be found at least in paragraphs [0053]-[0055] of the published specification. No new matter has been added. Claims 1-17, 35-38, 46, 47, and 59-66 remain pending in this application.

I. Rejection of Claims 1-17, 36-38, 46, 58, 61, and 64 Under 35 U.S.C. § 103(a)

On page 3 of the Office Action, Claims 1-17, 36-38, 46, 58, 61, and 64 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,542,779 to Halonen et al. (hereinafter “Halonen”) in view of U.S. Patent Application Publication No. 2001/0009853 to Arimitsu (hereinafter “Arimitsu”), and further in view of U.S. Patent No. 6,597,679 to Willars (hereinafter “Willars”). Independent Claims 1, 58, 61, and 64 have been amended, rendering the present rejection moot. Applicants respectfully submit that Halonen, Arimitsu, and Willars, alone or in combination, fail to disclose, teach, or suggest at least one element recited in each of Claims 1, 58, 61, and 64.

Amended independent Claim 1 recites, in part, that “the prioritized ordering comprises a ranking of the plurality of radio access means for each of a plurality of services offered by the mobile station” (emphasis added). Although different in scope, independent Claims 58, 61, and 64 recite similar elements. Applicants respectfully submit that Halonen, Arimitsu, and Willars, alone or in combination, fail to disclose, teach, or suggest such elements.

On page 3 of the Office Action, the Examiner analogized the “prioritized candidate list” of Halonen to the claimed “prioritized ordering.” However, Halonen fails to provide any indication that the “prioritized candidate list” is in any way related to a “plurality of services offered by a mobile station.”

On page 7 of the Office Action, the Examiner apparently analogized the “quality of service parameters” of Halonen to the claimed “type of service requested” (as recited in Claim 37) and the “classmark information” of Halonen to the claimed “service priority weight” (as recited in Claim 38). However, Halonen fails to provide any indication that the “prioritized candidate list” is created or based on the “type of service requested” or the “classmark information.” Column 9, lines 22-48 of Halonen state (with emphasis added):

2a The CRRM receives from the local entity responsible for the handover decision (for example the base station controller in a GSM system, a RNC in UTRAN system, a user level radio resource controller in an IP RAN system) the handover candidate list, together with measurements made by the mobile station or other user equipment, classmark information for the mobile station or other user equipment and, optionally the quality of service parameters of the connections that the mobile station or other user equipment UE requires from the network. This is received via input 80 of FIG. 6. The local handover control entity does not have necessarily to send the handover candidate list to the CRRM at every handover, since some (simple) handover decision can be taken locally. The criteria for the CRRM enquiry for the handover decision shall be defined. One possible criteria is that the handover candidate list is sent to the CRRM only if it contains a target candidate that belongs to another system (or layer) than the one in use. In case that the base station controller or the radio network controller is the source of information, another criteria can be that an entity sends the handover candidate list to the CRRM if the list contains at least one candidate target that is not controlled by the base station controller or radio network controller.

2b The CRRM prioritises the candidate or selects the target based on its own algorithms and information, and returns the new list back to the distributed handover control entity via output 82 of FIG. 6.

As such, Halonen merely discloses that the “handover candidate list,” various measurements, “classmark information,” and optional “quality of service parameters” are sent from the “local entity” to the CRRM. Halonen further discloses that the CRRM “prioritises the candidate or selects the target based on its own algorithms and information.” However, Halonen

fail to further describe these “algorithms and information” or disclose how these “algorithms and information” are determined. Indeed, Halonen is silent with respect to the use of the “classmark information” or the “quality of service parameters” in prioritizing the candidates. Furthermore, Halonen fails to indicate that the prioritization of the candidates includes a ranking of the candidates for each of a plurality of different “classmark information” instances (which the Examiner has analogized to the claimed “service priority weight) or for each of the different “quality of service parameters” (which the Examiner has analogized to the claimed “type of service requested”).

In addition, Halonen also fails to provide any indication that the CRRM performs multiple rankings of the candidate cells instead stating only that the “CRRM prioritises the candidate.”

Accordingly, Applicants respectfully submit that Halonen fails to disclose, teach, or suggest that “the prioritized ordering comprises a ranking of the plurality of radio access means for each of a plurality of services offered by the mobile station,” as recited in Claims 1, 58, 61, and 64.

Arimitsu and Willars, alone or in combination, fail to cure these deficiencies of Halonen. On page 4 of the Office Action, the Examiner relied on Arimitsu for its alleged disclosure of “assigning priorities to network systems based on measured signal strength.” Arimitsu is directed to a “method for a mobile terminal to select a network system which enables the mobile terminal to be connected through a radio channel to the network system desired by a user” (Abstract). On page 4 of the Office Action, the Examiner further relied on Willars for its alleged disclosure of “sending a request to the mobile station to perform compressed mode measurements at the mobile station based on the selected target radio access means.” Willars is directed to a “telecommunications system employing WCDMA technology [that] utilizes compressed mode techniques to allow a mobile station to take measurements on another frequency in preparation for inter-frequency transfer” (Abstract). However, neither Arimitsu nor Willars, in combination with Halonen, disclose, teach, or

suggest that “the prioritized ordering comprises a ranking of the plurality of radio access means for each of a plurality of services offered by the mobile station,” as recited in Claims 1, 58, 61, and 64.

For at least the foregoing reasons, Applicants submit that the combination of Halonen, Arimitsu, and Willars fails to disclose, teach, or suggest at least one element recited in each of independent Claims 1, 58, 61, and 64 (and their associated dependent claims). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1-17, 36-38, 46, 58, 61, and 64 under 35 U.S.C. § 103(a).

II. Rejection of Claims 35, 47, 59, 60, 62, 63, 65, and 66 Under 35 U.S.C. § 103(a)

On page 8 of the Office Action, Claims 35, 47, 59, 60, 62, 63, 65, and 66 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Halonen, Arimitsu, and Willars in view of U.S. Patent No. 5,655,217 to Lemson (hereinafter “Lemson”). Claims 35, 47, 59, 60, 62, 63, 65, and 66 depend variously from independent Claims 1, 58, 61, and 64. As discussed above, the combination of Halonen, Arimitsu, and Willars fails to disclose, teach, or suggest that “the prioritized ordering comprises a ranking of the plurality of radio access means for each of a plurality of services offered by the mobile station,” as recited in Claims 1, 58, 61, and 64. Applicants respectfully submit that Lemson fails to cure the deficiencies of Halonen, Arimitsu, and Willars.

On page 9 of the Office Action, the Examiner relied on Lemson for its alleged disclosure of a “handover procedure comprising determining if measurement data comprises an excessively high signal level and/or noise burst.” Lemson is directed to a “mobile radio communications network [that] is provided with a system for allocating one or more ranges of transmission frequency … in order to prevent the network from interfering with received signals of an incumbent radio system” (Abstract). However, like Halonen, Arimitsu, and Willars before, Lemson also fails to disclose, teach, or suggest that “the prioritized ordering comprises a

ranking of the plurality of radio access means for each of a plurality of services offered by the mobile station,” as recited in Claims 1, 58, 61, and 64.

Accordingly, Applicants respectfully submit that Claims 35, 47, 59, 60, 62, 63, 65, and 66 are patentable over Halonen, Arimitsu, Willars, and Lemson based at least on their dependence from independent Claims 1, 58, 61, or 64. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of Claims 35, 47, 59, 60, 62, 63, 65, and 66 under 35 U.S.C. § 103(a).

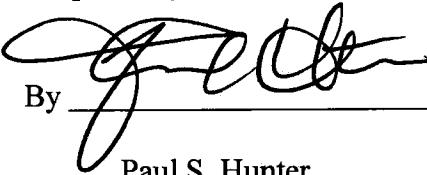
* * *

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By 

Paul S. Hunter
Attorney for Applicant
Registration No. 44,787

Date December 7, 2010

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4292
Facsimile: (608) 258-4258